

REMARKS

In the Office Action of December 22, 2010, claims 40, 41, 43, 44, 46-49 and 53-55 were rejected under 35 USC 102(e) over Adje et al. Claims 50-52 and 56-58 were found to be allowable over the art. Claim 59 was neither rejected nor found to be allowable.

Applicants' attorney is appreciative of the interview granted by the Examiner by telephone on April 1, 2011. During that interview, the Examiner explained the manner in which Claim 40 was considered to read on Example 9 of the Adje et al patent.

In particular, when one of R_3 and R_8 is cyano, the other can be hydrogen. In the present case, Formula (I) can therefore be interpreted such that R_3 is CN, and R_8 is hydrogen.

Further when p is 2, 3 or 4, each R_9 is not hydrogen and can be the same or different. Therefore, assuming that $p=2$, a first R_9 can be OCH_3 (alkoxy) and a second R_9 can be F.

Thus, it is possible that $R_3 = CN$, $R_8 = H$, $R_9 = OCH_3$ and $R_9 = F$. It is this embodiment which was found to read on Example 9 of Adje et al.

Claim 40 has now been amended to exclude this possibility. In particular, when p is 2, the definition of R_9 does not include the alkoxy group. Hence, Claim 40 does not read on Adje et al, and withdrawal of the rejection over Adje et al is requested.

Other minor amendments have been made to Claim 40 in order to clarify the recitations, and in particular, n is defined as being 0, 1 or 2; the recitation that n can be 0, 1, 2, 3 or 4 has been deleted.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in

condition for allowance. An early allowance of the application is earnestly solicited.

Respectfully submitted,



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